

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**

In re:)	Case No. 02-02474
)	
KMART CORPORATION,)	Chapter 11
)	
Debtor.)	Honorable Susan Pierson Sonderby

**PROPOSED AGENDA FOR
OMNIBUS HEARING SCHEDULED FOR DECEMBER 17, 2008**

Set forth below is a proposed agenda for the Omnibus Hearing scheduled for December 17, 2008 beginning at 11:00 a.m. (this "Proposed Agenda").

The information contained in this Proposed Agenda reflects documents received in our offices as of the date hereof. Counsel for Kmart Corporation ("Kmart") has served a copy of this Proposed Agenda on the 2002 Service List.

Please note that this Proposed Agenda refers to certain pleadings docketed under the former PACER numbering system, up through Docket No. 13016. All pleadings at Docket No. 13063 or higher have been docketed under the new ECF numbering system.

The Court has ordered that the Omnibus Hearing shall be held in **Courtroom 642**.

The matters set for hearing are divided into the following categories for the purposes of this Proposed Agenda:

- I. Claim Matters
- II. Adversary Proceeding Status Hearings and Motions

II. Claim Matters

1. Claim Objection Matters Set for Status:
 - Status hearing for Third Omnibus Objections to Claims (Docket No. 8886)
 - Status hearing for Seventh Omnibus Objections to Claims (Docket No. 13071)
 - Status hearing for Eighth Omnibus Objections to Claims (Docket No. 13137)

- Status hearing for Tenth Omnibus Objections to Claims (Docket No. 13073)
- Status hearing for Eleventh Omnibus Objections to Claims (Docket No. 13928)
- Status hearing for Twelfth Omnibus Objections to Claims (Docket No. 17013)
- Status hearing for Fourteenth Omnibus Objections to Claims (Docket No. 18473)
- Status hearing for Eighteenth Omnibus Objections to Claims (Docket No. 19680)
- Status Hearing for Nineteenth Omnibus Objection to Claims (Docket No. 20650)
- Status Hearing for Twentieth Omnibus Objection to Claims (Docket No. 20651)
- Status Hearing for Twenty-First Omnibus Objection to Claims (Docket No. 20652)
- Status Hearing for Twenty-Second Omnibus Objection to Claims (Docket No. 24531)
- Status Hearing on Twenty-Third Omnibus Objection to Claims (Docket No. 25213)
- Status Hearing on Twenty-Fourth Omnibus Objection to Claims (Docket No. 27210)
- Status Hearing on Twenty-Fifth Omnibus Objection to Claims (Docket No. 27233)
- Status Hearing on Twenty-Sixth Omnibus Objections to Claims (Docket No. 28781)

Status: *The above Omnibus Objections to Claims are set for status. Draft adjournment orders will be submitted continuing these omnibus claim objections for status to March 17, 2009 at 11:00 a.m. **CONTINUANCES WILL BE ALLOWED AND MATTERS NEED NOT BE CALLED.***

2. Status hearing on Claim Nos. 17280, 17281 and 17282 of the Puerto Rico Department of Treasury (Docket No. 31803)

Filings: *Kmart's Fourteenth Omnibus Objection to Claims (Docket No. 18473); Order on Fourteenth Omnibus Objection to Claims (Docket No. 20727); The Puerto Rico Treasury Department Motion Under Bankruptcy Rule 3008(e) to Reconsider Order Disallowing its Claims (Docket No. 23619); Stipulation and Agreed Order Regarding Claim Nos. 17280, 17281, and 17282 (Docket No. 24194); Puerto Rico Treasury Department Response to Debtors Fourteenth Omnibus Objection (Docket No. 24906); Supplemental Certificate of Service (Docket No. 31812)*

Status: This matter is set for status.

3. Kmart's Motion to Disallow Claim of El Puerto de Liverpool S.A. de C.V. (Docket No. 31748)

Status: Kmart will be proceeding with this motion.

4. Kmart's Motion to Determine Amount and Priority of the Claim of New York Workers' Compensation Board (Docket No. 31424)

Status: *A draft adjournment order will be submitted continuing this matter to March 17, 2009 at 11:00 a.m. **CONTINUANCE WILL BE ALLOWED AND MATTER NEED NOT BE CALLED.***

5. Motion of the CIT Group/Commercial Services, Inc. for Recognition of Interest of CIT in Claims and Providing for Payment of Claims (Docket No. 29242)

*Status: A draft adjournment order will be submitted continuing this matter to March 17, 2009 at 11:00 a.m. **CONTINUANCE WILL BE ALLOWED AND MATTER NEED NOT BE CALLED.***

6. David Kersh Matters:

- Motion to Compel Kmart for Answers to Interrogatories, Notice of Motion and Motion For Sanctions against Kmart Corporation (Docket No. 29881)

Filings: Kmart Corporation's Response to Motion to Compel Answers to Interrogatories and for Imposition of Sanctions (Docket No. 29947); Notice of Filing (Docket No. 29948)

- Motion to Quash Kmart's Motion For [i] Order Granting Partial Summary Judgment on Claim of David Kersh, Claim No 48076 and [ii] Order Partially Allowing Claim of David Kersh as a Class 7 Claim (Docket No. 29882); Memorandum in Support of Motion to Quash (Docket No. 29883); Exhibits (Docket No. 29884)

Filings: Kmart Corporation's Response to Motion to Quash Kmart's Motion For [i] Order Granting Partial Summary Judgment on Claim of David Kersh, Claim No 48076 and [ii] Order Partially Allowing Claim of David Kersh as a Class 7 Claim (Docket No. 29949); Notice of Filing (Docket No. 29950)

Status: *A draft adjournment order will be submitted continuing this matter to March 17, 2009 at 11:00 a.m. **CONTINUANCE WILL BE ALLOWED AND MATTER NEED NOT BE CALLED.***

7. Kmart's Motion for Protective Order (re: Global Property Services, Inc.) (Docket No. 31165)

Filings: Response to Motion for Protective Order (Docket No. 31237); Reply in Support of Motion for Protective Order (Docket No. 31292); Surreply of Global Property Services, Inc. (Docket No. 31313)

Status: *This matter is set for status.*

8. Creditor Global Property Services, Inc.'s Motion for Sanctions for Spoliation and Violation of the Court's July 11, 2005, Order and Motion to Compel Discovery (Docket No. 29619)

Filings: Kmart's Response to Creditor Global Property Services, Inc.'s Motion for Sanctions for Spoliation and Violation of the Court's July 11, 2005, Order and Motion to Compel Discovery (Docket No. 29659); Reply in Support of Motion for Protective Order (Docket No. 31292); Surreply of Global Property Services, Inc. (Docket No. 31313)

Status: *This matter is set for status.*

9. Kmart's Report on Notice Procedure re Settled Claims (per Motion re Procedure to Handle Open Claims That Have Been Settled or Provided for Under the Plan at Docket No. 30781, previously heard on April 4, 2007)

Filings: Kmart Corporation's Report of Responses to Notices of Settled Claims (Docket No. 31810); Notice of Filing (Docket No. 31811)

Status: Kmart will address any questions of the Court.

III. Adversary Proceeding Status Hearings and Motions

10. CAPCO 1998-D7 Pipestone, LLC v. Milton Ventures, LLP, et al., Adv. No. 06-00866

Filings: Defendants' Motion for Summary Judgment as to Count VI of Amended Complaint (Docket No. 16); Defendants' Statement of Undisputed Material Facts in Support of Motion for Summary Judgment as to Count VI (Docket No. 17); Defendants' Memorandum in Support of Motion for Summary Judgment as to Count VI (Docket No. 18) Defendant, Richard Kushnir's Motion for Summary Judgment as to Count VI of the Amended Complaint (Docket No. 31)

Status: These matters are set for status.

11. Kmart v. Woodmont Real Estate, Adv. No. 03-01213

Status: A draft adjournment order will be submitted continuing this matter to March 17, 2009 at 11:00 a.m. **CONTINUANCE WILL BE ALLOWED AND MATTER NEED NOT BE CALLED.**

12. Kmart v. Simone Saragosi, and Milton Ventures, LLP, Adv. No. 05-01294

Status: A draft adjournment order will be submitted continuing this matter to March 17, 2009 at 11:00 a.m. **CONTINUANCE WILL BE ALLOWED AND MATTER NEED NOT BE CALLED.**

13. Kmart v. Gator Daytona Partners, Ltd. and Gator Fairhaven Partners, Ltd., Adv. No. 04-3129

Status: A draft adjournment order will be submitted continuing this matter to March 17, 2009 at 11:00 a.m. **CONTINUANCE WILL BE ALLOWED AND MATTER NEED NOT BE CALLED.**

14. Continental Insurance Company v. Kmart Corporation, Adv. No. 08-00493

Filings: Kmart's Answer to Complaint (Docket No. 4); Notice of Filing (Docket No. 5)

Status: The parties will present a proposed scheduling order.

15. Creditor Personal Injury Claimant Kevin Meiswinkel's Motion to Revive Claim and to Vacate Omnibus Orders Disallowing Claim (Docket No. 31774)

Status: Subject to the entry of an appropriate order, Kmart consents to the relief sought in the motion.

Dated: Chicago, Illinois
December 15, 2008

Respectfully submitted,
KMART CORPORATION,

By: /s/ William J. Barrett
One of its Attorneys

Andrew N. Goldman
Wilmer Cutler Pickering Hale and Dorr LLP
399 Park Avenue
New York, NY 10022
Phone: (212) 230-8000
Facsimile: (212) 230-8888

William J. Barrett (6206424)
Barack Ferrazzano Kirschbaum & Nagelberg LLP
200 West Madison Street, Suite 3900
Chicago, IL 60606
Phone: (312) 984-3100
Facsimile: (312) 984-3150
william.barrett@bfkn.com